

**REMARKS**

Claims 1-20 are pending in this application, of which claims 1, 4, 5 and 7 have been amended. Claims 14-20 are newly-added.

Claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

Accordingly, claims 1, 4, 5 and 7 have been amended to correct the noted instances of indefiniteness, and the 35 U.S.C. § 112, second paragraph, rejection should be withdrawn.

Claims 1-7 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

In particular, the Examiner has complained that the claimed invention produces no tangible result, such as storing, outputting or displaying a result. Claims 1 and 7 are method claims, which recite a series of steps resulting in a “measurement of the surface shape of said workpiece” (claim 1) and “a measurement operation to cause said three-dimensional measuring unit to trace the surface shape of said workpiece” (claim 7).

In response, it should be noted that page 30, lines 4-6 of the specification disclose that “blocks A, B1, B2 determined in steps 5506, 5508 and 5510 are recorded in association with the positioned data block determined in step 5511.” Thus, it is respectfully submitted that the positional data obtained in the tracing (measuring) of the shape of the workpiece is always recorded. Accordingly, claims 1 and 7 have been amended to recite this recording step. It should be noted that in an interview conducted with the Examiner on December 18, 2006, the Examiner indicated that such amendments would overcome the 35 U.S.C. § 101 rejection.

U.S. Patent Application Serial No. 10/562,969  
Response to Office Action dated October 11, 2006

Thus, the 35 U.S.C. § 101 rejection should be withdrawn.

Claims 8-13 have been indicated as allowable.

Newly-added claims 14-20 are similar to claims 1-7, respectively, except that claims 14 and 20 contain the limitation of “moving said three-dimensional measuring unit based on the displayed block data to measure the surface shape of said workpiece (W),” in place of the “recording” step in claims 1 and 7.

In view of the aforementioned amendments and accompanying remarks, claims 1-20, as amended, are in condition for allowance, which action, at an early date, is requested.

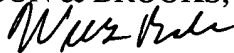
If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/562,969  
Response to Office Action dated October 11, 2006

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Substitute Abstract of the Disclosure (clean and marked versions)

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### ABSTRACT OF THE DISCLOSURE

A three-dimensional shape measuring method and a measuring apparatus thereof that allow the operation of a robot to be readily taught and set in a short time when a three-dimensional measuring device mounted on the robot is caused to move along the surface of a work, thereby measuring the shape of the work. ~~The invention is characterized by setting and recording (Step S1)~~ a A block data representative of measurement operation that causes the three-dimensional measuring device, which is a laser scanner, to move along the surface of the work ~~[[;]] is set and recorded. Then~~ longitudinally copying (Step S2) and laterally copying (Step S3) ~~[[the]]~~ block data is longitudinally and laterally copied after entering the size and basic shape type of the work; ~~and by measuring (Step S4). Then~~ the shape of the work is measured on the basis of the copied block data.